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Contacts:

Sam Frizell (sam.frizell@ylsclinics.org; 917-363-9705)

Jordan Goldberg (jordan.r.goldberg@ylsclinics.org; 352-538-3305)

Federal Court Approves Nationwide Class Action Against Defense Dept. by Army Veterans with PTSD

Suit Alleges Unjust Treatment of Thousands of Iraq, Afghanistan Veterans with “Bad Paper”

NEW HAVEN, CT—A federal judge has certified a nationwide class-action lawsuit seeking relief for over 50,000 Iraq and Afghanistan Army veterans who developed post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), or other mental health conditions in service, only to be unfairly labeled with a less-than-Honorable service characterization upon discharge. Steve Kennedy and Alicia Carson—Army veterans who served at the height of the Iraq and Afghanistan wars—filed this federal class-action lawsuit in April 2017 on behalf of themselves and tens of thousands of others who have been similarly mistreated in order to ensure fair treatment when veterans apply to have these service characterizations changed.

Since September 11, 2001, more than two million Americans have served in either Iraq or Afghanistan. Nearly a third of these servicemembers suffer from PTSD and related mental health conditions, but the military continues to issue less-than-Honorable (“bad paper”) discharges at historically high rates, often for minor infractions that are attributable to undiagnosed mental health issues stemming from their military service. These characterizations often impose a lifetime of stigma, impair veterans’ employment prospects, and deny veterans access to critical government services such as GI bill and disability benefits and mental health treatment.

Although the Army Discharge Review Board (ADRB) promises these veterans a path to correct unjustly harsh discharges, the ADRB frequently denies claims in defiance of recent Department of Defense policies intended to ease this process for veterans with service-connected PTSD and related conditions.

Mr. Kennedy and Ms. Carson first filed suit on behalf of this class in early 2017. After nearly two years of the Army attempting to dodge these claims, Senior District Judge Warren W. Eginton recognized the “systemic” nature of the ADRB’s failures and decided that the case should proceed as a nationwide class action. The Court also found the Army’s long history of “improper review” to support the need for a class proceeding here.

“This decision means that thousands of servicemembers who have been denied the support of VA resources because of an unfair discharge status may have a second chance at relief,” said plaintiff Steve Kennedy, who served in Iraq and is a founder of the Connecticut chapter of the Iraq and Afghanistan Veterans of America. “The cost of this continuing refusal to reckon with the reality of mental illness in the military is more than unjustly denied benefits—it is a generation of lost promise and opportunity for countless soldiers suffering the invisible wounds of war as a result of their sacrifice for this country.”

This decision comes on the heels of another recent decision approving a nationwide class of Marine and Navy veterans against the Naval Discharge Review Board, also pending in the District of Connecticut.

“Almost five years ago, the Department of Defense ordered the Army and other service branches to take into account the role that PTSD and other mental health conditions play in veterans’ discharges,” said Jordan Goldberg, a law student in the Yale Veterans Legal Services Clinic, which represents the plaintiffs in this lawsuit. “But the ADRB continues callously to dismiss veterans’ claims in open defiance of these rules. This lawsuit is about holding the Army to its commitments and securing justice for the veterans whose honorable service has gone unrecognized for too long.”

The plaintiffs are represented by the Yale Law School Veterans Legal Services Clinic and co-counsel at Jenner & Block LLP.

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